REMARKS

In accordance with the foregoing, claims 1 and 22-24 are amended. No new matter is added. Claims 26-28 are cancelled. Claims 1-24 are pending and under consideration.

The claim amendments are fully supported by the originally filed specification, for example, FIG. 6 which illustrates a buddy list.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,487,600 to Lynch (hereinafter "Lynch") in view of U.S. Patent Application Publication No. 2002/0120783 by Evgey ("Evgey").

Lynch is directed to a user network configured dynamically to serve a subset of network members. Evegy is directed to a method of sending a file using an electronic medium to transfer files from one computer to another in a pyramid distribution scheme.

Claim 1 is directed to a method used by a system including a plurality of terminals and a computer connected via a network in which the computer acts as intermediary and applies rules to information distribution. The Office Action alleges that the dynamically configured user network disclosed in Lynch and the method of sending files from a computer to another of Evgey make obvious the subject matter of claim 1. Applicants traverse the rejection because Lynch and Evgey alone or in combination do not disclose all the features recited in claim 1, and because there is insufficient evidence for a motivation to combine Lynch and Evgey.

A. PRIOR ART FAILS TO DISCLOSE ALL THE CLAIMED FEATURES

The outstanding Office Action concedes that Lynch does not teach the first distribution step, the second distribution step and the distribution-catenating step but Evgey is relied upon to cure this deficiency. However, even if the combination of the teachings of Lynch with those of Evgey were proper (which Applicants argue bellow it is not), Evgey does not cure the deficiency of Lynch in making obvious ALL the features of claim 1. Specifically, Evgey does not disclose a configuration in which a user terminal having received information to distribute within a network determines another user terminal registered in its buddy list to be the next destination of the information. According to the second distribution step of claim 1, the user sends information to his/her buddy, which feature is not disclosed by Evgey. Therefore, Evgey alone or in combination with Lynch does not teach or suggest:

> a second distribution step of transmitting the distribution content, by the user terminal having received the distribution content, to some or all of one or more third user terminals that are registered in the buddy list of the distributee-candidate terminals.

As noted in the previous Amendment, the same portions of Lynch are indicated as teaching each of the following steps recited in claim 1:

> a designation-accepting step of accepting from any of the user terminals, being a designator, designation of at least any other among the user terminals by the computer;
>
> a storing step of storing, by the computer, a buddy list in which at least one designator-user identifier identifying any user terminal that is a designator in said designation-accepting step, ~~correlatively~~ is correlated with a designee-user identifier identifying the at least one other user terminal designated in said designation-accepting step; (we marked up the current claim amendments)
>
> an information-accepting step of accepting, by the computer, from a first user terminal being a distributor among the user terminals, informational content to be distributed;
>
> a distribution-condition-accepting step of accepting, by the computer, from the distributor-user terminal a distribution condition according to which the distribution content accepted in said information-accepting step is distributed.

The indicated portions of Lynch and Lynch as a whole do not teach or suggest a designator terminal designating at least one other user terminal, and another user terminal (not necessary a member of the dynamic network defined in Lynch) sending information and a distribution condition. Lynch discloses rules by which the network members establish links among themselves and communicate[1], and not the distributor-user terminal providing "a distribution condition according to which the distribution content accepted in said information-accepting step is distributed", as recited in claim 1. That is, Lynch fails to teach or suggest at least "a distribution-condition-accepting step of accepting, by the computer, from the distributor-user terminal a distribution condition according to which the distribution content accepted in said information-accepting step is distributed."

In the Office Action, Lynch's column 14, lines 49-59, column 40, lines 15-52, column 41, lines 24-62, and column 42, lines 1-27 are indicated as teaching

> a distributee-candidate-determining step of determining, by the computer, one or more distributee-candidate terminals to which the distribution content will be distributed, the distributee-candidate terminals being at least one selected, in accordance with the

[1] See Lynch, Abstract lines 4-5, and col. 3, lines 50-52.

> distribution condition, from second user terminals among the designee-user terminals stored, in said storing step, correlatively with the designator-user identifier identifying the distributor-user terminal.

In column 14, lines 49-59 refer to the communication rules and more specifically to encryption/decryption rules. The encryption/decryption rules are a pertinent aspect of secure communication, but Lynch does not teach or suggest therein that these are conditions that would select only some of the members of the metanetwork to receive the distributed information. Moreover in claim 1, the computer is the one selecting the "one or more distributee-candidate terminals to which the distribution content will be distributed [...] in accordance with the distribution condition", while Lynch is silent on this aspect. The other portions indicated as pertinent relative to teaching or suggesting the distributee-candidate-determining step refer to Email (col. 40, lines 15-52), Teleconferencing and Telepresence (col. 41, lines 24-62), and distributed project software (col. 42, lines 1-27), respectively. Applicants respectfully submit that these portions do not teach or suggest the distributee-candidate-determining step performed by the computer, which is recited in claim 1.

B. NO MOTIVATION TO COMBINE THE PRIOR ART REFERENCES

The outstanding Office Action states that combining the network of Lynch with the peer to peer connection of Evgey would have been obvious in order "to decrease the load on one central server computer."[2] This advantage is merely an advantage asserted for Evgey's method[3] without any relation or reference to Lynch's network. The record fails to provide the required evidence of a motivation for a person of ordinary skill in the art to perform such a combination. The Examiner's position that the network of Lynch can be used with the peer to peer connection of Evgey to arrive at the claimed method is insufficient to establish a *prima facie* case of obviousness.[4]

Therefore, claim 1 and claims 2-21 depending upon claim 1 patentably distinguish over the cited prior art.

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[2] See outstanding Office Action at page 5, lines 1-2.
[3] See paragraph [0033] of Evgey, and, in particular, lines 5-6 of paragraph [0033].
[4] See MPEP 2143.01 stating that the "fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness"; see also same section stating "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so,'" (citation omitted).

Independent claim 22 patentably distinguishes over Lynch and Evgey, based on argument similar to the arguments presented for claim 1. Specifically, the cited prior art fails to teach or suggest at least the distribution-condition-accepting means and the distributee-candidate-determining means having the features recited in claim 22:

- a distribution-condition-accepting means for accepting from the distributor-user terminal a distribution condition according to which the distribution content accepted by said information-accepting means is distributed;
- a distributee-candidate-determining means for determining one or more distributee-candidate terminals to which the distribution content will be distributed, the distributee-candidate terminals being at least one selected, in accordance with the distribution condition, from second user terminals among the designee-user terminals stored, by said storing means, correlatively with the designator-user identifier identifying the distributor-user terminal
- a second distribution means for transmitting the distribution content, from any user terminal to which the distribution content has been sent, to some or all of one or more third user terminals that are registered in the buddy listof the distributee-candidate terminals.

Independent claim 23 patentably distinguishes over Lynch and Evgey, based on argument similar to the arguments presented for claim 1. Specifically, the cited prior art fails to teach or suggest at least the distribution-condition-accepting step and the distributee-candidate-determining step having the features recited in claim 23:

- a distribution-condition-accepting step of accepting from the distributor-user terminal a distribution condition according to which the distribution content accepted in said information-accepting step is distributed;
- a distributee-candidate-determining step of determining one or more distributee-candidate terminals to which the distribution content will be distributed, the distributee-candidate terminals being at least one selected, in accordance with the distribution condition, from second user terminals among the designee-user terminals stored, in said storing step, correlatively with the designator-user identifier identifying the distributor-user terminal
- a second distribution step of transmitting the distribution content, from any user terminal to which the distribution content has been sent, to some or all of one or more

third user terminalsthat are registered in the buddy list of the distributee-candidate terminals.

Independent claim 24 patentably distinguishes over Lynch and Evgey, based on argument similar to the arguments presented for claim 1. Specifically, the cited prior art fails to teach or suggest at least the distribution-condition-accepting means and the distributee-candidate-determining means as recited in claim 24:

- a distribution-condition-accepting means for accepting from the distributor-user terminal a distribution condition according to which the distribution content accepted by said information-accepting means is distributed;

- a distributee-candidate-determining means for determining one or more distributee-candidate terminals to which the distribution content will be distributed, the distributee-candidate terminals being at least one selected, in accordance with the distribution condition, from second user terminals among the designee-user terminals stored, by said storing means, correlatively with the designator-user identifier identifying the distributor-user terminal;

- a second distribution means for transmitting the distribution content, from any user terminal to which the distribution content has been sent, to some or all of one or more third user terminals that are registered in the buddy list of the distributee-candidate terminals.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 26-28 have been rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,487,600 to Lynch. Claims 26-28 are cancelled herewith.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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